

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PROGRESSIVE CASUALTY)
INSURANCE CO., ET AL.,)
)
Plaintiffs,)
)
v.) Civil Action No. 09-902-LPS-MPT
)
)
DRIVE TRADEMARK HOLDINGS LP,)
ET AL.,)
)
Defendants.)

ORDER

And now this 26th day of September, 2011,

For the reasons set forth by the Court during the hearing on September 22, 2011,

IT IS HEREBY ORDERED that:

1. Plaintiffs' and defendants' Objections (D.I. 95, 96) to Magistrate Judge

Thynge's Report and Recommendation (D.I. 94) are OVERRULED and the Report and

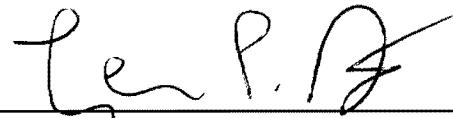
Recommendation is hereby ADOPTED.

2. Plaintiffs' motion for partial summary judgment (D.I. 71) is GRANTED in part

and DENIED in part – granted with respect to Count I and denied with respect to Count II.

Delaware counsel are reminded of their obligations to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel shall advise the Court immediately

of any problems regarding compliance with this Order.



Lee P. F.
UNITED STATES DISTRICT JUDGE